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FILE NO: 30067.000009

May 10, 2006

**VIA ELECTRONIC AND
OVERNIGHT MAIL**

Mr. Randy Sturgeon (3HS23)
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Response of The Peck Company to Request for Information Pursuant
Under Section 104(e) of CERCLA With Regard to Peck Iron and Metal
Property, 3850 Elm Avenue, Portsmouth, Virginia**

Dear Mr. Sturgeon:

On behalf of The Peck Company (hereinafter "Peck"), this is the response, as of the date set forth above, to the letter from Dennis P. Carney dated January 13, 2006, and received by Peck on March 6, 2006, requesting information with regard to the Peck Iron and Metal property in Portsmouth, Virginia (hereinafter the "Information Request").¹ We are submitting this response in our capacity as counsel for Peck. Peck understands that it has a continuing obligation to supplement this response if additional information becomes available, and Peck reserves the right to submit additional information that it may find to be responsive to the Information Request.

Set forth below are each question contained in the Information Request in *bold-faced, italicized type*, followed by Peck's response as of the date of this letter.

¹ The Information Request called for a response within 30 calendar days of the date on which we received it. In a letter to Dennis Carney sent on March 17, 2006, David Peck requested an extension until May 5, 2006, to submit Peck's response. On behalf of EPA, Mr. Carney granted this request in a letter sent to Mr. Peck on March 28, 2006. Patricia Miller granted Peck an additional extension until May 10, 2006, which I confirmed in an e-mail to Ms. Miller on May 3, 2006.

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1. *As it relates to the Site, what is the current nature of your business or activity or any other business or activity that may be taking place at the Site?*

RESPONSE:

Currently a minority owned business, Able Body Demolition, is using the property to store its trucks. Able Body also has unloaded inert material, including concrete, dirt, and asphalt, on the property, and has spread some of the piles of asphalt and concrete. The company has followed Peck's instructions not to remove any soil from the site, and to keep any visitors or vandals off the site.

2. *As it relates to the Site, what was the nature of any business or activity during the period of time you or any member of the Peck family, or a company substantially owned or controlled by the Peck family, either owned and/or operated the Site?*

RESPONSE:

From 1945 to approximately 1990, the business conducted at the property was the purchase, processing, storage and shipping of metal scrap from various military bases, other federal, state and local government agencies, and local businesses. Liquidation of remaining scrap materials off of the property continued into the early 1990s. In addition, Peck Equipment Company was established in the 1960's to locate hard-to-find parts for the U.S. Navy.

In a letter from S.G. Werner to D.S. Welch of EPA dated May 11, 2004, Mr. Werner provided an historical summary of Peck's activities at the property. This letter also was provided as an attachment to an e-mail from S.G. Werner to K. Bunker dated July 28, 2004.

3. *Describe how the size or property boundaries of the Site have changed since the inception of Peck activities at the Site.*

RESPONSE:

Some time during the period between 1945 and 1950, Peck acquired land adjacent to the original parcel. In the 1990's, less than an acre was acquired from the U.S. Navy. In 2003, Peck donated a conservation easement of approximately six acres along Paradise Creek to the Elizabeth River Project ("ERP"), which modified the land to serve as a wetland and forested buffer area. In the course of its work, the ERP removed a berm, dredged soils, re-contoured the area, and deposited soil back on other portions of the Peck property.



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The current 33 acres are on five parcels. The following table summarizes the title history of the current property.

Deed Records Search

DATE	GRANTOR	GRANTEE	COMMENTS
05-18-88	Peck Iron & Metal Co., Inc.	Elm Leasing Co.	2.990 ac - 1 st part 2 nd & 3 rd parts - Easements
10-01-76	USA Dept. of Navy	Peck Iron & Metal Co., Inc., et al.	3 rd part - Easement, 0.05 ac.
06-30-76	Norfolk-Portsmouth Belt Line Railroad Co.	Peck Iron & Metal Co., Inc., et al.	2 nd part - Easement agreement for use of Scott Center Road Crossing
10-28-69	USA Dept. of Navy	Norfolk-Portsmouth Belt Line Railroad Co.	Deed of Easement
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
05-13-88	Peck Iron & Metal Co., Inc.	Peck Portsmouth Land Co.	Parcel B - 22.924 ac.
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
01-26-60	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	21.4 ac.
01-26-60	Peck Iron & Metal Co., Inc.	Kenneth McCracken, Trustee	Holder of Note, 21.4 ac.
03-31-31	Portsmouth Cotton Oil Refining Corp.	Proctor & Gamble	Parcels A & B - 110 ac.
01-01-88	Julius S. & Bess P. Peck	JSP Land Company	2 ac; Parcel A-1.174 ac.; Parcel B-2.733 ac.; 1st-0.8016 ac.; 2 nd -1 ac.; 3 rd -0.55 ac.; 4 th -Parcel 1-0.004 ac., Parcel 2-0.17 ac.
07-29-47	Trites Refinery, Inc.	Julius S. Peck	2 ac.
07-12-47	Philip C. Cuddeback, et ux.	Trites Rendering, Inc.	

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03-08-47	Frederick W. Marrat	Philip C. Cuddeback	
01-07-29	American Forest Products Company	Frederick W. Marrat	
10-11-28	Cradock Mfg. Co.	American Forest Products Company	
09-29-50	Richard B. Kellam, Special Commissioner, et al.	Julius S. Peck & R.F. & Thirza Trant	Parcels A (1.174 ac.) & B (2.733 ac.). Kellam Commissioner for dispute in Trant family. R.F. paid off dispute amount to Commissioner, land released to Peck
07-30-28	H.W. West	John H. Trant, Jr.	
07-05-28	R.D. White	John H. Trant, Jr.	
05-28-28	Cradock Mfg. Co.	Richard B. Kellam, Special Commissioner	
08-06-45	Joseph W. Dunkam, et al.	Julius S. Peck (formerly Julius S. Pecker)	1 st - 2.304 ac. 2 nd - 1 ac. 3 rd - 0.55 ac. 4 th - Parcel 1 - 0.004 ac. Parcel 2 - 0.17 ac.
06-29-44	Commonwealth of Va.	Joseph W. Dunkum	4 th - Parcels 1 & 2; quit claimed to Dunkum
05-31-43	County of Norfolk	Commonwealth of Va.	4 th - Parcels 1 & 2; quit claimed to Commonwealth of Va.
08-03-28	Norfolk Portsmouth Bridge Corp.	County of Norfolk	4 th - Parcels 1 & 2
04-18-28	Cradock Mfg. Co.	Joseph W. Dunkum	3 rd - 0.55 ac.
04-16-27	Cradock Mfg. Co.	Joseph W. Dunkum	1 st - 2.304 ac.
04-27-26	Cradock Mfg. Co.	Joseph W. Dunkum	2 nd - 1 ac.

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4. *Explain how hazardous substances such as, but not limited to, polychlorinated biphenyls (PCBs) and lead came to be present on the site.*

RESPONSE:

The metal scrap purchased during the period of scrap metal operations consisted of damaged and obsolete equipment, attachments, parts, and other miscellaneous materials. At various times the scrap contained cadmium-coated automobile parts; lead as an additive in petroleum products; PCBs in insulated wire, gaskets, fluorescent lights, transformer oil, and household appliances that used capacitors; lead-based paint in scrapped bridge sections; and lead in automobile batteries. Metal scrap from the government was not cleaned or purged of hazardous substances before transfer to the Peck property.

5. *Provide all information regarding the current or past environmental and physical conditions at the Site including but not limited to geology and hydro-geology, soil, groundwater, surface-water (including drainage patterns), sediments, sewer systems, and storm water conveyance systems. This includes, but is not limited to, field observations and measurements, laboratory data, field screening data, boring logs, sample locations and dates.*

RESPONSE:

Physical and chemical data for the property have been submitted to the Virginia Department of Environmental Quality ("DEQ") and EPA. Peck believes that information provided to DEQ and EPA through December 2004 confirmed that there are discrete locations on the property with elevated concentrations of certain parameters, but that there would be no unacceptable risk to the environment or to humans if the property were covered with a cap and restricted as to future use. Furthermore, there were no indications that the property would endanger anyone if left undisturbed. A risk assessment prepared for Peck indicates that there would be no unacceptable risks to humans or the environment or the likelihood of a release to groundwater even if it were assumed that there are PCB concentrations of up to 5,000 mg/kg in the former metal processing area.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

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Date	Recipient	Sender	Description
15-May-03	Bernard, J.	Werner, S.G.	Draft Site Characterization Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report, Proposed Pull-A-Part Site, 3500 and 3850 Elm Avenue, Portsmouth, Virginia
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
12-Aug-03			Quantitation Report of samples obtained on 8-Aug-03
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
21-Oct-03	Werner, S.G.	Unze, S.C.	Attaches sample results for PCDDs and PCDFs
04-Nov-03		Williams, M.D.	Pull-A-Part Sampling Event: 08-06-03
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
21-Nov-03	Werner, S.G.	Kinder, D.S.	Explanation of deficiencies cited in M. Williams 4-Nov-03 report
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum
17-Feb-04	Werner, S.G.	Williams, M.D.	Memorandum regarding QA/AC criteria

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Date	Recipient	Sender	Description
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden; and a response by laboratory to deficiencies identified by Draper Aden
30-Mar-04	Rice, S.	Werner, S.G.	Letter enclosing PCB analytical data, including map showing October 2003 PCB soil sampling results
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Property Access Agreement attached
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
07-Jul-04			Sediments chain of custody form prepared by Mr. Hatcher
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
20-Jul-04		Severn Trent Labs	Sample confirmation report
16-Aug-04	Hatcher, R.F.	Jarvela, S.	Email regarding preliminary results of 7-Jul-04 sampling event
03-Sep-04	Hatcher, R.F.	Rieger, J.	Summary of samples taken; cost of analysis; map of locations where samples were taken
28-Sep-04	Loeb, M.	Werner, S.G.	Email update on sample analysis
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 correspondence regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
18-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Email setting out treatability study results and suggesting a meeting to discuss the results, treatment/ stabilization strategies, regulatory implications and costs.
23-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Additional treatability results
06-Jan-05	Hatcher, R.F., Bernard, J.F., Green, K.L.	Rieger, J.	Email regarding 70 ppb PCB screening level in sediments
03-Feb-05	Hatcher, R.F.	Williams, T.G.	Fax proposing use of same grid numbers and letters system as drawing supplied to Koontz-Bryant, reporting of plant to conduct site work from 8-Feb-05 thru 10-Feb-05
09-Feb-05	Bernard, J.	Werner, S.G.	Memorandum regarding soil sample location plan
16-Jun-05	Werner, S.G. & Hatcher, R.F.	Webb, J.N.	Requesting status of grid sampling effort



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Date	Recipient	Sender	Description
Undated			Site location map; well locations and boring locations; summary of analytical data - surface soil samples (6/1999 & 7/1999); summary of analytical data - soil/water interface soil samples (7/1999); summary of analytical data - groundwater (7/1999); summary of analytical data - mixed media (7/1999)

Peck is submitting to EPA with this response the laboratory data reports for samples collected at the property during 2005.

6. *Provide all documents that show the types of material accepted, customers, operational periods, and description of operations (including locations of operations) both owned and/or operated by you or any tenant(s).*

RESPONSE:

Peck has no documents in its possession responsive to this question. The following provides a brief description of operations on the property based on David Peck's recollection.

The operations at the property until the 1980's were located in and around the cinderblock buildings in the center of the property. At one of the buildings, a hydraulic guillotine shear cut steel to size. One building served as a sorting and storage room for non-ferrous metals and contained a small aluminum furnace to melt aluminum scrap. In the front, by the stop light, was a men's locker room and machine shop. A weigh scale was outside an office trailer near the stop light.

During the period of scrap metal operations on the property, the Department of Defense processed and sold metal scrap to Peck Iron & Metal from various military bases and Navy yards, including: Norfolk Naval Shipyard; Naval Air Station; Oceana; St. Juliens Creek; Cheatham Annex; Yorktown; Quantico; Ft. Meade; and Bellwood. The General Services Administration, Coast Guard, NOAA, and other agencies of the federal government also regularly sold surplus material to Peck Iron & Metal. Other large, non-government sellers to Peck Iron & Metal included the railroads, Virginia Electric and Power, landfills (which were

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sources of white goods and miscellaneous scrap), and the ship repair facilities, including Newport News Shipbuilding and Drydock, Norfolk Shipbuilding, and Moon Engineering.

Two occupants of the property -- neither affiliated with Peck -- in approximately 2001-02 operated businesses involving the handling of equipment and perhaps scrap metals. One occupant 's operation led to action by DEQ, after which Peck evicted the occupant from the property. Currently, Able Body Demolition is using the property for truck storage and is helping to keep the property secure.

7. *Provide any correspondence to or from local, state or federal governments that discuss environmental conditions or issues at the property. This could include, but is not limited to, information regarding inspections, permits, violations and discharges.*

RESPONSE:

At the time Peck entered the Virginia Voluntary Remediation Program, its past and current environmental data were provided to DEQ. The history was also carefully reviewed by the Elizabeth River Project before it accepted approximately seven acres for a conservation easement.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
30-Apr-02	Gussman	Mayfield, M.	Letter informing DEQ of grant to address stormwater and habitat enhancement at Peck site
01-May-02	Peck, B.D.	Jackson, M.M.	Letter recommending demonstration project to enhance shoreline/stormwater on western side of Peck project, indicating that ERP expected \$30,000 to \$40,000 in grant funds to be available to assist in this voluntary project



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Date	Recipient	Sender	Description
06-Nov-02	Various	Jackson, L.	Email requesting comments on attached "Project Activities Coordination Meeting for 'Return to Paradise' - Peck Iron & Metal, Timeline of Action Items." List of attendees also attached.
27-Nov-02	West, T.	Pocota, M.A.	Letter regarding Joint Permit Applications (Peck and Elizabeth River Project) for wetlands restoration project and a stormwater/wetland pond
02-Dec-02		U.S. Army Corps of Engineers	Notification that Peck's proposed activity may qualify for Nationwide Permit 39; that proposed activity may affect historical properties (Norfolk Naval Shipyard); therefore, work cannot commence until requirements of National Historic Preservation Act have been met
06-Dec-02	Greene, K.L.	Cohen, A.	VRP Application for property located at 3850 Elm Avenue
13-Dec-02	Levetan, S.L.	Mayfield, M.	Letter offering grant-funded assistance to implement ERP's recommendations for sustainable development of Peck Site. Attached is "Environmental Stewardship Recommendations, Proposed Pull-a-Part Auto Recycling Facility, Elm Avenue, Portsmouth, VA" and "Best Management Practices for the Auto Salvage Industry"

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Date	Recipient	Sender	Description
06-Jan-03		VIMS	VIMS Shoreline Permit Application Report 02-2315 recommending applicant submit formal planting and monitoring plan
09-Jan-03			Notice of Public Hearing, Wetlands Board of the City of Portsmouth - Request of The Peck Company and The Elizabeth River Project for a wetland restoration area on the property at 3850 Elm Avenue
06-Mar-03			Portsmouth City Council, Public Hearing/Planning Items. Resolution (signed by City Manager) approving with conditions Pull-A-Part of Portsmouth's proposal to operate a motor vehicle recycling facility at 3850 Elm Avenue
11-Mar-03			Portsmouth City Council, Agenda. Pull-A-Part's use permit application is on agenda
14-Mar-03	Porter, S.J.	Wetmore, D.G.	Letter stating the exception request for BMP should not be granted because it does not meet necessary requirements
02-Apr-03	Pocta, M.A.	Porter, S.J.	Letter requesting additional WQIA information for site be submitted to Department by 11-Apr-03
10-Apr-03	Haste, G.J.	Pocta, M.A.	CBLAD and City of Portsmouth need stormwater calculations and justification for the stormwater location in the RPA buffer

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Date	Recipient	Sender	Description
11-Apr-03	Hatcher, R. F.	Hannah, J.	"Benefits of Proposed Stormwater Wetland at Peck Iron & Metal Site," Bill Hunt, Advisor to the Elizabeth River Project
14-Apr-03	Porter, S.J.	Hatcher, R.F.	Letter responding to 2-Apr-03 letter to M.A. Pocta in connection with locating a BMP within the Resource Protection Area for Paradise Creek wetlands
22-Apr-03	Porter, S.J.	Pocta, M.A.	Letter withdrawing Application for Exception from consideration at the City's Planning Commission meeting on 6-May-03
22-Apr-03	Hatcher, R.F.	Porter, S.J.	Memorandum stating information the City was seeking on stormwater calculations and buffer was not submitted timely and therefore will not be considered at the Planning Commission's 6-May-03 meeting
15-May-03	Bernard, J.	Werner, S.G.	DRAFT Site Characterization - Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report. Attached are: results of 29-Jul-99 Hatcher-Sayre Site Characterization Study; REAMS Risk Analysis; groundwater analytical results for 5-03 sampling; 9-Jul-99 Final Scope of Work for Site Investigation at The Peck Company, Portsmouth, Virginia
18-Jun-03	Hatcher, R. F.	Bernard, J.F.	Comments from DEQ and EPA on 28-May-03 Site Characterization Report and 4-June-03 site visit

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Date	Recipient	Sender	Description
18-Jun-03	Hatcher, R.F.	Bernard, J.F.	Letter commenting on 28-May-03 Site Characterization Report and 4-Jun-03 site visit
23-Jun-03	Hatcher, R.F.	Dinardo, Nicholas	Email requesting site visit with representatives of EPA, DEQ, and Peck.
14-Jul-03	Bernard, J.F.	Hatcher, R.F.	Letter regarding 9-Jul-03 meeting with DEQ and EPA, Peck's and Pull-A-Part's commitment to locate, remove and remediate "hot spots"
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
15-Sep-03	Comacho, J.	Werner, S.G.	Email inquiry regarding dioxins in soil -- capping as remediation
15-Sep-03	Cooper, D.	Werner, S.G.	Email listing questions regarding dioxin Werner would like to discuss with Cooper in a 1:30 telephone conversation
22-Sep-03	Rupert, R.	Jackson, M.M.	Memorandum setting out the Elizabeth River Project's position on disputed issues concerning contamination at the Peck site
25-Sep-03	Levetan, S.L.	Bernard, J.F.	Comments from DEQ and EPA on 4-Aug-03 Response to Comments and Proposed Sampling Plan

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Date	Recipient	Sender	Description
09-Oct-03			Agenda for 9-Oct-03 Elizabeth River Project meeting
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum -- describes sampling activities between Jun- and Nov-03, analytical testing results and proposed approach to site remediation; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum, stormwater runoff and the buffer
30-Dec-03	Hatcher, R. F.	Levetan, S.L.	Email forwarding language regarding "Peck 20031211 Review Ltr 1" providing EPA comments and observations of the 7-Nov-03 Peck Site Characterization Report
09-Jan-04	Hatcher, R.F.	Mayfield, M	Email entitled, "Elizabeth River Partnership - Jeopardy?" in which Mayfield forwards an exchange with Don Welsh, EPA Regional Administrator
15-Jan-04	Bernard, J.	Jarvela, S.	EPA's comments on Site Characterization Report
23-Jan-04	Bernard, J.F.	Greene, K.L., et al.	Email forwarding comments and observations on the 7-Nov-03 Peck Site Characterization Report

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Date	Recipient	Sender	Description
06-Feb-04	Bernard, J.F.	Hatcher, R.F.	Email forwarding Bernard's comments to K. Greene regarding EPA's comments and concerns: QA/QC documentation and the vertical investigation area
06-Feb-04	Peck, B.D.	West, T.L., MRC	Acknowledging receipt of application seeking authorization to create wetlands and clear phragmites
13-Feb-04	Bernard, J.F.	Jarvela, S., et al.	Series of emails whereby State requests contact from EPA for Perspective Purchaser Agreement issue; EPA requests point of contact for Pull-A-Part
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden and a response by laboratory to deficiencies identified by Draper Aden
27-Feb-04	Gills, W.	Werner, S.G.	Brownfield Remediation Loan Application submitted on behalf of The Peck Company
09-Mar-04	Jarvela, S.	Bernard, J.F.	Letter stating EPA is satisfied with Draper Aden site characterization and determined the project can proceed to the remediation stage
11-Mar-04	Bernard, J.	Jarvela, S.	Letter stating EPA's position that DEQ is the lead agency for Peck site project and is committed to support DEQ as the remedial action plan proceeds

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Date	Recipient	Sender	Description
12-Mar-04	Hatcher, R. F.	Bernard, J.F.	Email colloquy at DEQ regarding Peck's Brownfield's loan application
26-Mar-04	Peck, B.D.	Gills, W.A.	Letter notifying Peck the SWCB approved Brownfield Remediation loan in the amount of \$960,000 contingent upon satisfactory credit analysis by the VRA.
16-Apr-04	Bunker, K.	Bernard, J.F.	Email regarding Bunker's assignment as EPA's project manager of the Peck site
22-Apr-04	Bernard, J.	Bunker, K.	Email requesting DEQ to instruct Peck to submit a self-implementing PCB cleanup plan that complies with 40 CFR 761.61(a)
07-May-04			One page synopsis of Peck Recycling Co.'s history
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
18-May-04	Hatcher, R.F.	Jarvela, S.	Email stating Jarvela hasn't scheduled trip, but will send access form for owner to sign
15-Jun-04	Werner, S.G.	Bernard, J.F.	Email responding to S. Werner's interpretation of 40 CFR section 761.61 in connection with the Self-Implementing PCB Cleanup Plan. Email also discusses wetlands sampling
16-Jun-04	Baldwin, Bob	Jackson, L.	Email requesting a meeting with Baldwin and/or other City of Portsmouth representatives to discuss the City's concerns or needs in order to move forward with Elm Avenue remediation

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Date	Recipient	Sender	Description
22-Jun-04	Peck, B.D.	Burke, J.J.	EPA's comments on Peck's Notification and Certification, dated 11-May-04, provided pursuant to requirements of the Self-Implementing On-Site Cleanup and Disposal of PCB Remediation Waste Regulation
27-Jun-04	Peck, B.D.	Jarvela, S.	Fax cover sheet attaching access agreement; Jarvela will contact Hatcher to schedule site visit
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Also attaches Property Access Agreement
29-Jun-04			DRAFT "Sampling and Analysis Plan for the Peck Iron and Metal Site, Portsmouth, Virginia" prepared for EPA by Tetra Tech
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
28-Jul-04	Bunker, K.	Peck, B.D.	Memorandum regarding Peck's former operations at Portsmouth site.
28-Jul-04	Bunker, K.	Werner, S.G.	Email attaching a historical summary of Peck's activities at Elm Avenue which were included in 11-May-04 cover letter to Self-Implementing Cleanup Plan
28-Jul-04	List	Bunker, K., EPA	Email giving status on cleanup plan -- still reviewing amended plan EPA received on 14-Jul-04
16-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email stating Levetan indicates Pull-A-Part is very determined to purchase property
20-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email regarding status of Elm Avenue VRP project
23-Aug-04	Ward, K.	Bernard, J.F.	Email stating Elm Avenue project is moving forward
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 communication regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
16-Nov-04	Baldwin, R.A.	Barclay, R.C.	Letter Application for Extension of Use Permit 03-01 by Pull-a-Part of Portsmouth, LLC to operate a motor vehicle recycling facility at 3850 Elm Avenue, owned by The Peck Company, Peck-Portsmouth Recycling Co.
19-Nov-04	Peck, B.D.	Burke, J.J	EPA's response to Peck's Revised Notification and Certification, dated 25-Oct-04

Mr. Randy Sturgeon
May 10, 2006
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Date	Recipient	Sender	Description
01-Dec-04			Chronology of Primary Activities - Proposed Pull-A-Part, Inc. Site - Elm Avenue, Portsmouth, VA
22-Dec-04	Hatcher, R.F.	EPA, DEQ	Confirming 5-Jan-05 meeting to discuss options available under TSCA and/or CERCLA to move forward on remediation of the Peck site
05-Jan-05			Attendance list of meeting
05-Jan-05			Draper Aden, "The Case for Self-Implementing Site Remediation, Peck Property, Portsmouth, VA," presentation to EPA
20-Jan-05	Peck, B.D.	Webb, J.	Letter proposing that Peck amend its 22-Oct-04 self-implementing cleanup plan to include certain conditions and sampling plans
26-Jan-05	Welsh, D.S.	Werner, S.G.	Letter addressing conditions set out in EPA's 20-Jan-05 letter for self-implementing cleanup plan
01-Feb-05	Peck, B.D.	Webb, J.	Letter approving 22-Oct-04 self-implementing cleanup, subject to conditions set out in EPA's 20-Jan-05 letter
23-Feb-05	Ward, K.	Bernard, J.F.	Email colloquy regarding EPA approval of project; inquiry regarding interest rate for Peck's loan
28-Jun-05	Webb, J.N.	Peck, B.D.	Letter notifying EPA, et al. that Peck is going to stop conducting the PCB cleanup plan
15-Oct-05	Peck, B.D.	Burke, J.J.	EPA's response to Peck's Revised Notification and Certification, dated 13-Jul-04

Mr. Randy Sturgeon
May 10, 2006
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Date	Recipient	Sender	Description
07-Dec-05	Sturgeon, R., EPA	Peck, B.D.	Memorandum setting out reasons for withdrawing self-implementing cleanup plan, conclusions of risk assessment, and proposed "closure" plan
08-Dec-05	Peck, B.D. & Gant, Rene	Sturgeon, R.	Response to Peck's Dec-05 letter

8. *Provide information regarding modifications made to the property, including, but not limited to, areas of fill, areas where the topography was modified, areas of burial and/or dumping, and areas of construction and/or demolition.*

RESPONSE:

Peck demolished a building at the entrance to the property at 3500 Elm Avenue in response to a demand by the N&P Beltline. In addition, part of the former Proctor & Gamble masonry building near that entrance was demolished within the last ten years.

Inert material was dumped on the site by various contractors during the past ten years. If trash or suspect material was found, contractors were employed to remove the material for disposal at a landfill. Able Body Demolition spread inert concrete, asphalt, and soil on the property during the past few months. Any suspect soil or other material was to be placed in the area of the buildings where scrap metal processing operations once occurred.

Please also see the response to question 3 above.

9. *Provide all information on the current and recent use of the Site including actions such as, but not limited to, the storage of soils, material or equipment, or modification or movement of soils or sediments located on the Site.*

RESPONSE:

Please see the answer to question 8 above. In addition, during 2005, Able Body Demolition excavated certain areas of soil, moved the materials to the former operations area, and subsequently covered the area with inert materials. Able Body personnel were warned of the

Mr. Randy Sturgeon
May 10, 2006
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nature and potential danger of the excavated soil and were instructed about where on the property the soil should be placed.

10. *Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons that worked at the Site for longer than three years.*

RESPONSE:

Stanley Peck and Aaron Peck worked at the property for a period of time until the early 1990s. Their current addresses and phone numbers are:

Stanley J. Peck

[REDACTED]

Aaron M. Peck

[REDACTED]

Personnel records from the period of active site operations were not retained.

11. *If you have any information about other persons/entities who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the person's entity's name, address, type of business, and the reason(s) why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.*

RESPONSE:

Peck has no additional information responsive to this question.

HUNTON &
WILLIAMS

Mr. Randy Sturgeon
May 10, 2006
Page 23

Please contact Roger Hatcher or me if you have questions about this response to the Information Request.

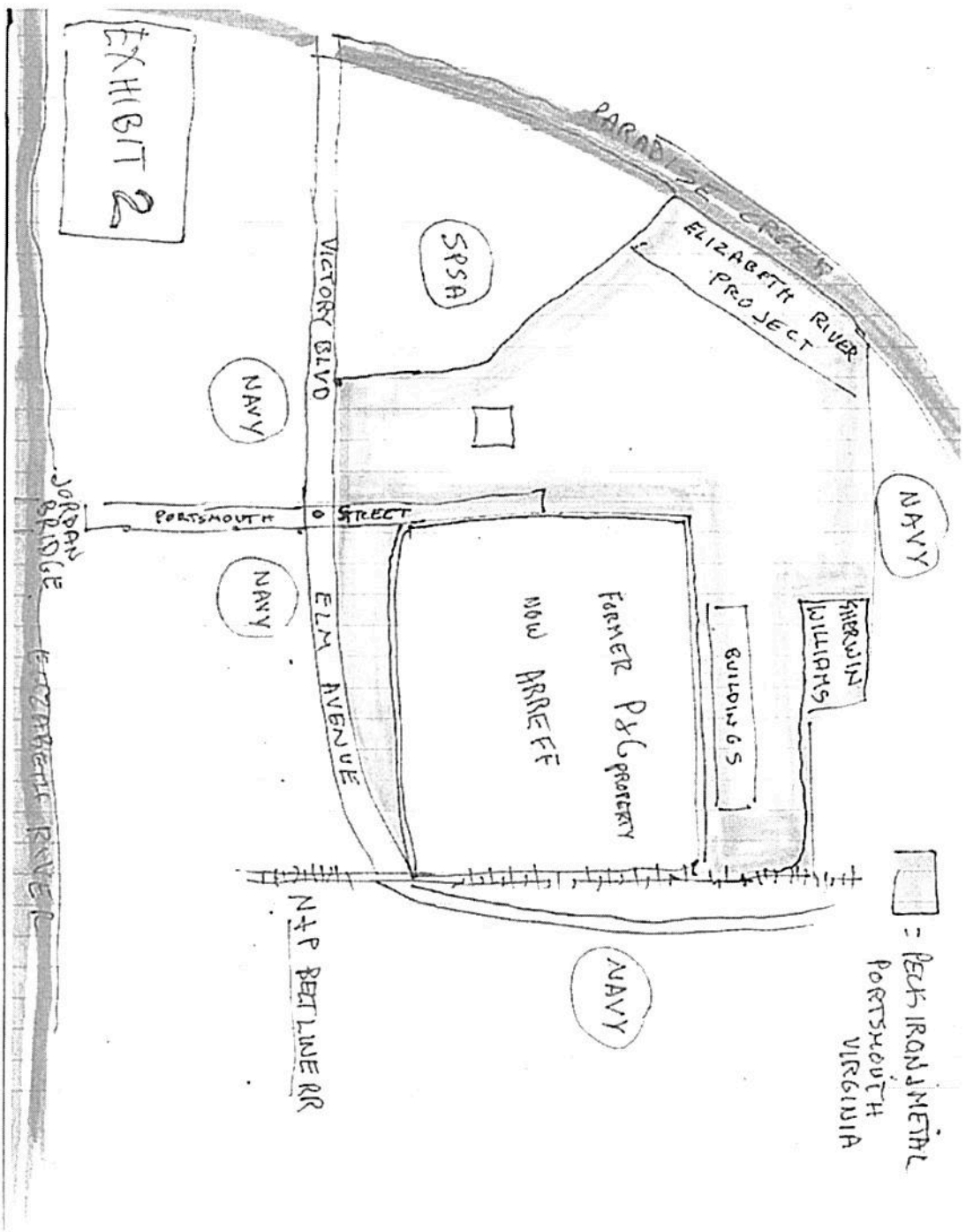
Yours truly,



Dan J. Jordanger
Counsel to The Peck Company

Enclosures

cc: Mr. B. David Peck
Roger F. Hatcher, Ph.D.





Draper Aden Associates

Engineering • Surveying • Environmental Services

8090 Villa Park Drive

Richmond, Virginia 23228

(804) 264-2228 • Fax: (804) 264-8773

daa@daa.com • www.daa.com

Ev 3

May 11, 2004

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA - Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Self-Implementing PCB Cleanup Plan
34-Acre Site, Elm Avenue
Portsmouth, Virginia
DAA Project # R03186-01

Dear Mr. Welsh:

This Self-Implementing PCB Cleanup Plan is submitted on behalf of The Peck Company, Richmond, Virginia for the above referenced property. This property has been in the Virginia Department of Environmental Quality's Voluntary Remediation Program for more than a year and we are anxious to return this inactive property to productive use. The remaining issue that has stopped progress on this project concerns PCBs and thus, the reason for submitting the attached Plan.

The site meets all of the criteria for the self-implementing procedures and we believe that the Plan addresses all of the requirements of 40 CFR § 761.61. Prior to reviewing the plan, it is important that EPA understand the history of this property, which is summarized below by the owner, The Peck Company.

Peck Recycling Co., Inc. bought, sold, and processed metal scrap for fifty years from different locations. The metal came from industrial plants, farms, auto parts yards, Federal Government (e.g. military bases); State (e.g. Highway Dept.) and Local (e.g. Police Dept.) agencies.

The metal scrap was purchased after several careful inspections. Trained inspectors looked at the material at the sellers' operation, upon arrival, when weighed, when unloaded, when processed, when stored, and when shipped. Upon being unloaded it was visually, if not manually separated into more than 40 different categories.

Mr. Donald Welsh
U.S EPA - Region III
May 11, 2004
Page 2

The material was checked for radioactivity. Rejections were immediate if any hazardous or toxic material or substance were suspected. For example, 150,000 lbs. of material from a military base were rejected when the base could not definitely identify the liquid in the containers; DuPont had to take back 55-gallon drums when Peck was not satisfied with the stenciled markings on the containers; a railroad tank car from Allied Chemical was not accepted when Peck inspectors detected a noxious odor; Philip Morris (e.g. engines with lubricant drippings) material rejected; etc.

Transformers were not accepted from any sellers with the sole exception of a company that processed them. It removed the laminated steel, wires, copper and oil; then it triple rinsed them before delivery.

The Peck Recycling Company's primary concerns were its employees, its customers (the buyers), and its facilities and grounds. Its record is plain to see. None of its hundreds of employees ever reported or complained of handling or being affected by any hazardous or toxic material. Not one of the thousands of consumers ever reported or complained about discovering any substance that might be hazardous or toxic. Every buyer was very carefully looking for PCB, benzene, heavy metals, hydrocarbons, asbestos, and any attachments or substances that might cause problems.

The continuous training of all Peck employees as inspectors and material handlers had clear results. Peck regularly received a rebate of 25% from its insurance carrier for its extraordinary safety record and procedures. Note that every month Peck handled (i.e. received, unloaded, processed, stored, shipped) more than 100 million pounds of metals.

It is also noteworthy that Peck's operations were in five different cities covering more than 120 acres (Eastern Shore, Danville, Woodford, Portsmouth, Richmond). Upon the sale of the Peck operations in 1997, the properties were closely examined. More than \$100,000 was spent in Phase II activities by independent environmental groups. The only PCB discoveries were on less than 1% of the property although 95% of the properties were used in operations. And the 1% area was where material from military bases was processed until 1969.

The property owner, The Peck Company, and the prospective purchaser/developer, Pull-A-Part, Inc. have responded to all of the EPA and DEQ requests and unfortunately, feel that progress has again been delayed. EPA's prompt review and approval of this Plan is greatly appreciated.

Mr. Donald Welsh
U.S EPA - Region III
May 11, 2004
Page 3

Any questions concerning this closure plan should be directed to either Dr. Roger F. Hatcher (804-492-9458) or me (804-261-2937).

Sincerely,
DRAPER ADEN ASSOCIATES



Stephen G. Werner, P.G.
Director of Environmental Services

Attachment (2)

cc: Dr. Roger F. Hatcher
B. David Peck
James Bernard, DEQ
Steven L. Levetan, Pull-A-Part, Inc.

NW

PFE ORIGINAL

March 2, 1978
File: 288.0
Desk 2

Peck Iron and Metal Company, Inc.
P. O. Box 100
3500 Elm Avenue
Portsmouth, Virginia 23705

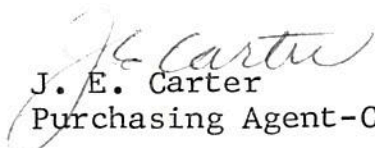
Gentlemen:

This refers to your letter of January 23, 1978.

Flat bed trailer numbered NWZ 320791, now located at Portlock Yard, Norfolk, Virginia, is not available for sale at this time.

It is our intention to include this trailer on our Second Quarter 1978 retirements. When this trailer becomes available for sale you will be notified.

Yours truly,


J. E. Carter
Purchasing Agent-Car

cy to G. L. H. H. H.

not W

	Initials	Date
Prepared By		
Approved By		

PFE ORIGINAL

offer for Junk trailer #

320791

1 Podlock

\$226⁰⁰

offer

Made ltr 1/23/78

No cy made.

PECK IRON AND METAL COMPANY, INC.

PORTSMOUTH, VIRGINIA 23705

3850 ELM AVENUE
P. O. BOX 100

PHONE (804)
399-4075

May 3, 1978

Norfolk & Western Railway Company
Material Management
Roanoke, Virginia 24042

Attention: Mr. J. E. Carter
Purchasing Agent-Car

Dear Sir:

It has come to our attention that we failed to advise you of our interest in the recent offerings on File: 288.0 and File 68.1. We regret this oversight and request that you continue to forward us your offerings on the sale of material and equipment.

Thank you for your kind attention to this matter.

Sincerely,

PECK IRON & METAL COMPANY, INC.

Alan Verschleisser
Alan Verschleisser

AV/cp

PFE ORIGIN

NW

PFE ORIGINAL

March 31, 1978
File: 288.0
Desk 2

Mr. Raymond Gottlieb
Peck Iron & Metal Company
P. O. Box 100
Portsmouth, VA 23705

SUBJECT: Sale of Material - General

Gentlemen:

We have available for sale in an "as is-where is" condition the following material:

- 1 each Forklift Truck System No. 7415, 1963, 3500 lb. capacity, propane towmotor forklift truck, Model No. 502GP4042, Serial No. 502P640040

Inspection of this unit may be made by contacting Mr. P. E. Humbert, Supervisor Material, Norfolk, Virginia, telephone (804) 623-5704.

- 1 Beaver Duplex loader, Model B300, equipped to handle insta-hitch attachments with 1 insta-hitch bucket, 1/2 yard capacity and 1 overhead guard. Capacity 1500 lbs., weight 4150 lbs.

Inspection of this unit may be made by contacting Mr. T. L. Miller, General Foreman, Bellevue, Ohio, telephone (419) 483-4824.

- 1 Fork Truck NW 4842

- 1 Fork Truck NW 5300

Inspection of these units may be made by contacting Superintendent Material, H. E. Sweisfort, Roanoke Shops, Roanoke, Virginia, telephone (703) 981-4638.

- 1 each grinder - NW 15220 - Model UG, Serial 8990, Nordberg Manufacturing Co., approximate weight 50 lbs. Poor Condition - NOTE: Not Complete - Consists of Frame Only.

March 31, 1978

File: 288.0

Desk 2

Page 4

1 each Welder - NW 14270

1 each RMC Spiker - NW 14230

1 each RMC Spiker - NW 15256

1 each Fairmont Discer - NW 20825

1 each Welder - NW 13162

1 each Hendly & Whittemore Angle
Bender, No. 14950 - No NW Number

Inspection of these units may be made by contacting the Supervisor of Material, Princeton, West Virginia, phone (304) 425-8058. Inspection of units will be made on Monday only after 3:00 P.M.

It should be noted that all transportation costs will be for the account of the purchaser. No telephone bids will be accepted, and in order to receive consideration, your written bid, per unit, should be in my hands no later than Noon, Monday April 17, 1978.

Yours truly,

J. E. Carter
J. E. Carter

Purchasing Agent-Car

NOTE: Your name has been on our list for some time, and unless we have a response from you, your name will be dropped from our list.

March 31, 1978

File: 288.0

Desk 2

Page 3

1 each Ab. Saw - NW 13203
1 each Air Compressor - NW 20683
1 each Generator - NW 20500
1 each Water Pump - NW 20335
1 each Air Compressor - NW 20608
1 each Ditch Witch - NW 30301
1 each Weed Mower - NW 20250
1 each Water Pump - NW 20554
1 each Water Pump - NW 20874
1 each P.T. Jack - NW 15247
1 each Cribex - NW 20041
1 each Cribex - NW 11128
1 each Cribex - NW 16180
1 each Cribex - NW 20042
1 each Cribex - NW 16192
1 each Cribex - NW 14161
1 each Cribex - NW 15167
1 each Water Pump - NW 30346
1 each Water Pump - 11081
1 each Tie Borer - NW 20883
1 each Ab. Saw - NW 11272
1 each Ab. Saw - NW 16309
1 each Ab. Saw - NW 16341
1 each Cribex - NW 16177

March 31, 1978
File: 288.0
Desk 2
Page 2

PFE ORIGINAL

1 each Four Tool Tie Tamper
NW 20226 - Model GR 85, Serial 85MR22619,
Ingersoll-Rand, Approximate Weight 1,575
lbs. - Poor Condition

1 each Grinder - NW 20449 - Model DG,
Serial 7705, Nordberg Mfg. Co., Approximate
Weight 1,200 lbs. - Poor Condition

1 each P.T. Jack - NW 20514

1 each Track Cart - NW 20444

1 each P.T. Jack - NW 20024

1 each Weed Mower - NW 30382

1 each Spray Car - NW 20748

1 each Spray Car - NW 20771

1 each Tie Remover - NW 30308

1 each Cribex - NW 15158

1 each W. Burner - NW 11099

1 each P.T. Jack - NW 16244

1 each Cribex - NW 15166

1 each Weed Mower - NW 20749

1 each Weed Mower - NW 12109

1 each Patton Sprayer - NW 20891

1 each P. Jack - NW 19042

1 each Patton Sprayer - NW 20924

1 each Ditch Witch - NW 17028

PECK IRON AND METAL COMPANY, INC.

PORTSMOUTH, VIRGINIA 23705

PFE ORIGINAL

3850 ELM AVENUE
P. O. BOX 100

PHONE (804)
399-4075

May 3, 1978

Norfolk & Western Railway Company
Material Management
Roanoke, Virginia 24042

Attention: Mr. J. E. Carter
Purchasing Agent-Car

Dear Sir:

It has come to our attention that we failed to advise you of our interest in the recent offerings on File: 288.0 and File 68.1. We regret this oversight and request that you continue to forward us your offerings on the sale of material and equipment.

Thank you for your kind attention to this matter.

Sincerely,

PECK IRON & METAL COMPANY, INC.

Alan Verschleisser
Alan Verschleisser

AV/cp

Insulated Copper Wire 35,247 lbs.

Radiator Scrap 15,376 lbs.

Insulated copper with iron
attached, free of ferrous scrap 2,080 lbs.

Brass No. 5 Yellow 6,450 lbs.

Classification and Description	G. T. Offered	G. T. Bid For	Price Per Gross Ton	Delivery Point
Brass No. 2 Steam Metal	1,660 lbs			
Copper-Mixed Heavy Tubing	2,025 "			
Lead battery-scrap	15,500 "			

TERMS AND CONDITIONS OF SALE

Awards will be mailed to successful bidders within four (4) business days after closing date.

The right is reserved to accept or reject part or all of your bid, subject to your right to notify us in writing within ten days after receipt of the Scrap Award that you do not agree to purchase a quantity different from the amount bid upon.

SHIPMENT: Shipping instructions must be furnished within ten (10) days from date of award and we reserve the right to either cancel sale or resell for the purchaser's account any item or portion thereof for which shipping instructions are not furnished within this time period, purchaser being responsible for any difference in price.

All quantities reported for sale on this list include our anticipated accumulations and will be loaded and shipped when available and as soon as it can be arranged for by our forces. Any order or portion thereof not shipped complete within sixty (60) days from date of Sales Order because of lack of anticipated accumulations of listed quantities may be cancelled by us upon notification in writing to you at any time after expiration of the 60-day period.

f.o.b. N&W Tracks - see preceding page.

Terms - Payment due within 15 days from date of our invoice.
Weights ascertained at N&W shipping point to govern.

CLAIMS: All scrap sales are made with the understanding that N&W will not honor claims for shortages of carload shipments unless the buyer complies with the following conditions:

1. Debit or Credit Memoranda are not to be submitted until sale is complete. (30 days after receipt of final invoice.)
2. Submit one debit or credit memorandum only for the entire sale.
3. Show on debit or credit memorandum all cars received on the sales order with the following information.

NORFOLK & WESTERN		RAILROAD'S WEIGHTS			BUYER'S WEIGHTS			Overage	Shortage	TOTAL DEBIT CREDIT
Car Number	Bill Number	Gross	Tare	Net	Gross	Tare	Net			

The net difference between overages and shortages will determine whether a credit or debit memorandum is to be issued. Adjustments will not be allowed on variances under 1000#, but these variances must also be listed. Certified weight tickets must be furnished for each car on the sales order.

If the claim on any one car exceeds 5000# because of variances in the gross weights, this office must be notified before unloading. If the claim on any one car will exceed 5000# because of variances in tare weights, this office must be notified before empty car is released. You will then be authorized to unload, release or hold the car for inspection by railroad personnel.

TERMS AND CONDITIONS
OF SALE ACCEPTED:

(Firm Name of Bidder)

(Authorized Signature)

(Date of Bid)

Norfolk and Western Railway Company
Material Management
Roanoke, Virginia 24042

ANY COMMUNICATION REGARDING SALE AWARD
MUST MAKE REFERENCE TO N&W SALES ORDER
NUMBER.

NO BID

PECK IRON and METAL CO.
3503 ELM AVENUE
PORTSMOUTH, VA. 23704

*mailed
9/3/78*

REQUEST FOR BID ON SCRAP IRON AND STEEL

Bids for this scrap are to be mailed to J. E. Carter, Purchasing Agent-Car, at the above address. To receive consideration, they must be received in this office by twelve o'clock noon on Tuesday May 2, 1978.

Quote on this sheet price per gross ton on the following scrap materials, to be sold f.o.b. any point on Norfolk and Western Railway. In case material is to be shipped to a destination off of Norfolk and Western, we will ship f.o.b. over our line to nearest Norfolk and Western junction point with delivering carrier and purchaser will be responsible for delivery charges beyond.

Classification and Description	G. T. Offered	G. T. Bid For	Price Per Gross Ton	Delivery Point
2 Axles, Steel: Solid Car 6 x 11 inch Journal and over, free of axles with key-way between wheel seats, no axle of shorter lengths than distance between wheel seats to be included.	60			
3 Axles, Steel: Solid car and/or loco. 5 1/2 x 10 inch journal and under. No axles to be included of shorter length than distances between wheel seats.	60			
2 Axles, Steel, Mixed 2's and 3's, may include small quantity of diesel loco. axles and roller bearing axles.	60			
4 Spikes, Track Bolt and Nuts, and Lock Washers, may include Rail Anchors.	240			
5 Tie Plates, Steel	60			
6 Rail Joints, angle and/or splice bars, steel.	240			
16 Cast Iron Brake Shoes. All types except composition.	60			
18 Frogs and/or Switches, uncut. Exclusive of Manganese.	60			
18 Switch Points with Manganese inserts, uncut.	60			
18A Railbound Manganese Frogs	60			
24 Melting Steel, RR No. 1	120			
27 Rail, Steel No. 1 - Suitable for re-rolling into bars and shapes.	60			
28B Rail Steel No. 2 - Cropped Rail ends 2 feet and under.	600			
28C Rail Steel No. 2 - Cropped Rail ends 3 feet and under.	60			
29 Rail, Steel No. 3 - Scrap Rail	1200			
33 Steel, Manganese - All kinds of manganese, cut or uncut	60			
35 Structural Wrot Iron and/or Steel uncut. All steel or steel mixed with iron from bridges, structures and/or equipment that has not been cut apart.	60			
38A Turnings, Drillings, and/or Borings No. 2	60			
40 Wheels, No. 1 - Cast Iron Car Wheels				
42 Wheels, No. 3 - Solid Cast Steel forged, pressed and/or rolled steel car and/or locomotive including wheels not over 42 in. in diameter.	840			
A Miscellaneous unassorted iron and/or steel RR scrap, may include some non-ferrous material, drums, grating, galvanized sheets, etc.	300			
Ae Miscellaneous unassorted scrap, from tracks, including metal hoops, etc.	240			
3A Axles, Steel - Roller Bearing.	60			

Broken electrodes-graphite 10,415
from foundry lbs.



United States
Environmental Protection
Agency

Region 3

Hazardous Site Cleanup Division

1650 Arch Street
Philadelphia, PA 19103-2029

FAX TRANSMISSION

DATE: 9/18/08

PAGE 1 of 3

PLEASE DELIVER AT ONCE TO:

NAME: Helen Hart

FIRM NAME: Norfolk So.

PHONE: 757-629-2600

FAX NUMBER: 757-629-2607

FROM: Joan Martin Banks

PHONE: 215-814-3156

FAX NUMBER: 1-(215) 814-3005

COMMENTS/NOTE: _____

3

2/18/08

Helen Hart
Norfolk 20.
525-652-5200
525-652-5200

512-814-2121
Toon Martin Banks

CHECK RECONCILIATION

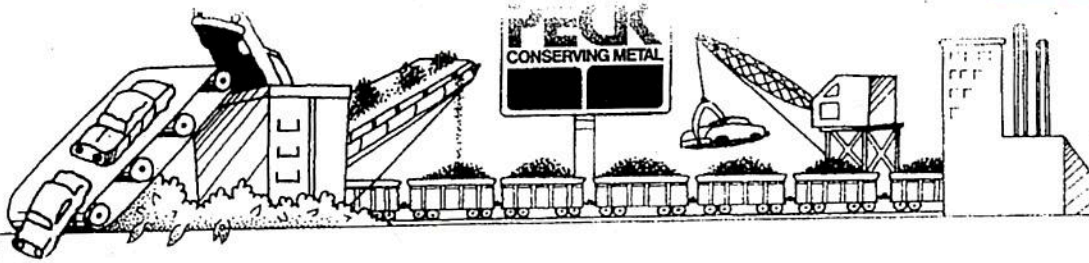
PECK RICHMOND RECYCLING CO.

PAGE: ORIGINAL

FOR BANK C2 CRESTAR BANK
ACCT 1 RECYCLING ACCOUNT

AS OF 09/30/92

CHQ/REF	DATE	SRC	VENDOR/EMP	NAME/DESC	TRAN	CLR DATE	-----Cleared----- BANK AMT	SYST AMT	OPEN AMT
027472	09/25/92	AP	J & A	J & A WELDING	C				38.35
027473	09/25/92	AP	JENKINS	JENKINS AUTO REPAIR, INC.	C				67.50
027474	09/25/92	AP	JEFFY LUBE	SOUTHERN ASSOCIATES, INC.	C				27.57
027475	09/25/92	AP	LANE	LANE-BEALETON	C				1178.60
027476	09/25/92	AP	LANIER	LANIER WORLDWIDE, INC.	C				1281.43
027477	09/25/92	AP	LAWRENCE S	LAWRENCE SANITARY CO., INC.	C				151.94
027478	09/25/92	AP	LAWSON	LAWSON PRODUCTS, INC.	C				544.40
027480	09/25/92	AP	LIBERTY	LIBERTY EQUIPMENT REPAIR.	C				2000.49
027481	09/25/92	AP	LINKWATSON	LINK WATSON CORP.	C				21.75
027482	09/25/92	AP	LINK BELT	LINK BELT CONSTRUCTION EQUIP.	C				88.68
027483	09/25/92	AP	LOGAN CORP	LOGAN CORP.	C				163.52
027484	09/25/92	AP	MARMON KEY	MARMON/KEYSTONE CORPORATION	C				206.64
027485	09/25/92	AP	MARSHALL	MARSHALL CONCRETE	C				41.99
027486	09/25/92	AP	MAUGHAN MD	GEORGE T. MAUGHAN MD	C				65.00
027487	09/25/92	AP	MCGRAW	JAMES MCGRAW, INC.	C				322.45
027488	09/25/92	AP	METROCALL	METROCALL	C				15.70
027489	09/25/92	AP	MG INDUST	M.G. INDUSTRIES	C				1593.08
027490	09/25/92	AP	MIDSOUTH	MID-SOUTH SAFETY FOOTWEAR	C				264.12
027491	09/25/92	AP	MINE SAFE	MINE SAFETY APPLIANCES CO.	C				67.53
027492	09/25/92	AP	MITCHELL	MITCHELL DISTRIBUTING CO.	C				65.89
027493	09/25/92	AP	MOBILE MED	MOBILE MED FIRST AID & SAFETY	C				404.83
027494	09/25/92	AP	MOORE SCAL	MOORE SCALE SERVICE, INC.	C				1330.97
027495	09/25/92	AP	MOORE JACK	MOORE'S JACK & EQUIPMENT SERV.	C				856.80
027497	09/25/92	AP	MOTOROLAIN	MOTOROLA INC.	C				39.30
027498	09/25/92	AP	MULTI INTE	MULTI INTEREST SERVICE CORP	C				960.11
027499	09/25/92	AP	NORFOLK	NORFOLK SOUTHERN CORP.	C				83.33
027500	09/25/92	AP	NUCOR STEL	NUCOR STEEL	C				7274.84
027501	09/25/92	AP	OFFIC OVER	OFFICE OVERLOAD	C				599.20
027502	09/25/92	AP	OHTO LOCO	OHIO LOCOMOTIVE CRANE CO., INC	C				851.46
027503	09/25/92	AP	PEATROSS	PEATROSS MFG. CO., INC.	C				561.25
027504	09/25/92	AP	PERMA	PERMATREAT PEST CONTROL	C				43.00
027505	09/25/92	AP	PERSONNEL	>>>>DO NOT USE THIS VENDOR<<<<	C				9054.15
027507	09/25/92	AP	PLEASANTS	PLEASANTS HARDWARE	C				122.37
027508	09/25/92	AP	POLAR SPRI	POLAR-SPRING GROVE	C				207.23
027509	09/25/92	AP	POSTMARK	POSTMARK OF VIRGINIA	C				32.48
027510	09/25/92	AP	PREST MECH	PRESTIGE MECHANICAL, INC.	C				399.00
027511	09/25/92	AP	PRINCESS A	PRINCESS ANN PILE LUMBER	C				1646.60
027513	09/25/92	AP	RADIOLOGY	RADIOLOGY ASSOCS. OF RICH, INC	C				24.30
027514	09/25/92	AP	RAD. SHACK	RADIO SHACK CORP.	C				26.96
027515	09/25/92	AP	RED ROOF	RED ROOF INNS, INC.	C				137.94
027516	09/25/92	AP	RENT UNIFM	RENTAL UNIFORM SERVICE	C				119.12
027517	09/25/92	AP	REYPAC	REYPAC COMPANY	C				1350.00
027518	09/25/92	AP	RICHMOND R	GOODING, LEWIS, GOETZ AND CO.	C				888.09
027519	09/25/92	AP	RICH LIFT	RICHMOND CLARKLIFT	C				27.69
027520	09/25/92	AP	RIVERSIDE	RIVERSIDE PRODUCTS DIVISION	C				27380.00
027521	09/25/92	AP	RUTHERFORD	RUTHERFORD JANITOR SUPPLY	C				498.57
027524	09/25/92	AP	SAFTY FRST	SAFETY FIRST CO. OF VA. INC.	C				80.94
027525	09/25/92	AP	SANIS	SANIS	C				137.94



January 25, 1983

Mr. J. Eugene Carter
Director - Purchasing
Materials Mangement Dept.
Norfolk-Southern Railroad
8 North Jefferson St.
Roanoke, VA 24042-0056

Dear Mr. Carter:

Peck Iron & Metal Company would like to bid
for the metal scrap generated by the Norfolk &
Southern Railroad.

Our company has been processing railroad
scrap in Richmond and in Portsmouth Virginia for
more than thirty five years. We purchase whole
cars; misc. road scrap; rail; car sides; journal
bearings; etc.

If you require additional information or
references please contact me.

Yours truly,

David Peck

B. David Peck
Vice President



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

MAY 20 2009

Norfolk Southern Corporation
Charles W. Moorman, CEO
Three Commercial Place
Norfolk, VA 23510-9241

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Moorman:

This letter notifies you that the Norfolk Southern Corporation (hereinafter, "your company" or "Norfolk") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

ORIGINAL

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

ORIGINAL

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Helen M. Hart, Esq.

Enclosure 1

Notice Letter Recipient List
Peck Iron and Metal Site, Portsmouth, Virginia

Arrangers

Anheuser-Busch, Inc.
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Jeffrey W. Styron, Environmental Counsel
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Defense Reutilization and Marketing Service
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Attn: DRMS-DG

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Owner/Operators

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 c/o Brian L. Buniva, Esq.
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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

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Party Previously Noticed on April 10, 2009

Chesapeake Corporation
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Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

June 24, 2009

JOSEPH M. MANKO
 MARC E. GOLD
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 MICHAEL M. MELOY
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CHERRY HILL, NJ
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VIA OVERNIGHT MAIL

Ms. Laura Johnson
 Remedial Project Manager (3HS23)
 DE, VA, WV Remedial Branch
 U.S. Environmental Protection Agency, Region III
 1650 Arch Street
 Philadelphia, PA 19103-2029

Re: Peck Iron and Metal Site
 Portsmouth, Virginia

Dear Ms. Johnson:

On May 26, 2009, Norfolk Southern Corporation ("Norfolk Southern") received from Region III of the United States Environmental Protection Agency ("EPA") a letter advising Norfolk Southern that it may have potential liability for environmental conditions at the Peck Iron and Metal Site (the "Site") located in Portsmouth, Virginia pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). Specifically, EPA asserted in this letter that it believes that Norfolk Southern "may be liable" under CERCLA with respect to the Site "as a person who arranged for disposal or treatment of hazardous substances sent to the Site" including lead, zinc and polychlorinated biphenyls ("PCBs"). EPA also described in this letter certain activities that it anticipates will take place in connection with the Site and encouraged Norfolk Southern to respond within thirty (30) calendar days to express its willingness or unwillingness to participate in future negotiations concerning the Site.

The purpose of this correspondence is to respond to EPA's letter to Norfolk Southern regarding the Site. As described in more detail below, we have not been able to identify any basis on which EPA has asserted that Norfolk Southern may have liability in connection with the Site. Accordingly, in the absence of additional factual information demonstrating that the predicates for liability under Section 107(a)(3) of

*PARTNER RESPONSIBLE FOR NJ

**ADMITTED IN NJ AND PA

*ADMITTED IN DELAWARE

OTHER ATTORNEYS ADMITTED IN PA ONLY

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Ms. Laura Johnson
June 24, 2009
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CERCLA have been established, Norfolk Southern is not inclined to participate in future negotiations regarding the Site.

As you may be aware, EPA issued to Norfolk Southern a request for information pertaining to the Site pursuant to Section 104(e) of CERCLA on August 22, 2008. By letter from Helen Hart, in-house counsel for Norfolk Southern, to Joan Martin Banks, Civil Investigator for EPA, dated October 30, 2008, Norfolk Southern confirmed that after a thorough search of its records, it had been unable to find any documents or information suggesting that Norfolk Southern or its subsidiaries, divisions and affiliates (including Norfolk Southern Railway Company, its railroad operating subsidiary) had sent materials of any sort to the Site. In addition, no records of any contractual arrangements or transactions between Norfolk Southern and either the Peck Company or Peck Iron & Steel Company involving the Site were found.

Given the complete absence of documents and information showing any type of nexus with the Site, counsel for Norfolk Southern requested that EPA provide Norfolk Southern with any documents or information that EPA might independently have uncovered suggesting that Norfolk Southern sent hazardous substances to the Site. In response, on September 18, 2008, Joan Martin Banks sent to Helen Hart two documents. The first of the documents provided by EPA is a solicitation letter from David Peck, Vice-President of Peck Iron & Metal Company, Inc. with an address of 3220 Deepwater Terminal Road in Richmond, Virginia, to J. Eugene Carter, Director of Purchasing for Norfolk Southern Railroad dated January 25, 1983, indicating that Peck Iron & Metal Company "would like to bid for the metal scrap generated by the Norfolk & Southern Railroad." The letter does not begin to establish that Norfolk Southern or its subsidiaries, divisions and affiliates ever sent materials to the Site. Indeed, as a solicitation letter, it indicates the lack of a business relationship between Norfolk Southern and Peck Iron & Metal Company at the time the letter was prepared. The second of the documents provided by EPA is a check reconciliation report for "Peck Richmond Recycling Co." as of September 30, 1992. Among the many entries that are listed is a check to Norfolk Southern in the amount \$83.33 with a reference date of September 25, 1992. No further information is provided. There is nothing to suggest what the check covered or whether it had anything to do with the Site (versus the facility in Richmond explicitly referred to in the check reconciliation report). In its records search, Norfolk Southern found no documents that provide further information about this charge, and importantly, nothing to suggest that the check was related to the Site or to any wastes or other materials being sent to the Site.

At this juncture, the record is devoid of any information or documentation from which we can discern grounds that would lead EPA to conclude that Norfolk Southern may have liability for conditions at the Site pursuant to Section 107(a)(3) of CERCLA. In the absence of any nexus to the Site, there is no reason for Norfolk Southern to be involved in negotiations with EPA regarding the Site. Should information in the future come to light to support a finding of liability under Section 107(a)(3) of CERCLA, Norfolk Southern may reconsider its position. In that

Ms. Laura Johnson
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regard, we renew Norfolk Southern's previous request to EPA to provide any information to us that EPA believes shows a nexus between Norfolk Southern and the Site.

Please do not hesitate to contact me if you should have any questions regarding this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael M. Meloy". The signature is fluid and cursive, with the first name "Michael" being more legible than the last name "Meloy".

Michael M. Meloy
For MANKO, GOLD, KATCHER & FOX, LLP

MMM/dm

cc: Helen M. Hart, Esquire



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Helen M. Hart
General Attorney

ORIGINAL

Writer's Direct Dial Number
(757) 629-2752
(757) 629-2607 (fax)
Internet/E-Mail Address: helen.hart@nscorp.com

October 30, 2008

VIA OVERNIGHT MAIL

Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Peck Iron and Metal Site, Portsmouth, VA
NS Law File No. ESR00121

Dear Ms. Banks:

Norfolk Southern Corporation ("Norfolk Southern") received the letter from the U.S. Environmental Protection Agency ("USEPA"), dated August 22, 2008, containing CERCLA Section 104 requests for information regarding the Peck Iron and Metal Company site in Portsmouth, Virginia (the "Site"). Given the difficulty we had with finding any company files related to this Site, we had requested, and in an email dated September 18, 2008 you had granted, an extension of time until October 31, 2008 to provide responsive information. This letter provides responses to the subject requests, in accordance with this modified deadline. As we discussed in our conversation on September 18, the responses below pertain only to the Peck Iron and Metal Company Site in Portsmouth, Virginia, and do not pertain to any of the other Peck Iron and Metal Company locations that may exist or may have existed in the past. Further, I appreciate the supplemental information you sent to me by fax on September 18. While helpful to ensure that we had searched all appropriate company files, our searches were still not fruitful in finding any records or information pertaining to any alleged transactions with or related to the Site.

Following are Norfolk Southern's responses to each of the information requests. In accordance with the definitions contained in the August 22 letter, the responses are provided on behalf of Norfolk Southern Corporation as well as its subsidiaries, divisions and affiliates, specifically including without limitation its railroad operating subsidiary Norfolk Southern Railway Company. Note that Norfolk Southern is responding on behalf of its predecessors in interest to the extent it is legally responsible to do so and to the extent it has the information available to do so.

Operating Subsidiary: Norfolk Southern Railway Company

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Information Response

1. List all shipments of scrap materials, including scrap metal, which you have sent to the Site. Include the date for each transaction, the type and quantity of scrap metal sent, the amount paid or collected in connection with each transaction, the method of payment, and identity of the person making or receiving payment.

Response:

Norfolk Southern has conducted a search of company records and has found no records of any shipments of any materials sent from any of Norfolk Southern's facilities to the Site. Further, Norfolk Southern has found no records of any contractual arrangements or transactions between Norfolk Southern and the Site.

2. For each shipment of scrap material identified in response to Question 1 above, identify:
 - a. the source of the scrap material;
 - b. the prior use of the scrap material;
 - c. whether the scrap material was a collection of homogenous materials;
 - d. whether the scrap material was tested for any hazardous substances prior to shipment to Peck Iron and Metal Co.

Response:

N/A. See response to Question 1.

3. At the time of the transaction(s) involving scrap materials listed in your response to Question 1(a), what was the intended disposition of the scrap materials at the Site?

Response:

N/A. See response to Question 1.

4. Did a market exist for the scrap metal listed in your response to Question 1, above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., ISRI, Department of Defense, or wherever you would find the grade published).

Response:

N/A. See response to Question 1.

5. What commercial specification grade did the scrap metal listed in your response to Question 1(a) meet? Identify/list the commercial specification grades that each scrap metal identified in 1(a) met.

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Response:

N/A. See response to Question 1.

6. After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to Question 1(a) was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.

Response:

N/A. See response to Question 1.

7. Could the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for virgin raw material? If so, provide details.

Response:

N/A. See response to Question 1.

8. Could any products to be made from the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.

Response:

N/A. See response to Question 1.

9. Did you process any of the scrap materials sent to Peck Iron and Metal Co. prior to transport and delivery to the Site? If yes, describe the process used and the purpose for subjecting the scrap material to the process.

Response:

N/A. See response to Question 1.

10. Was the transaction between you and Peck Iron and Metal Co.: 1) an outright sale; 2) the subject of a written or verbal "tolling" agreement between the companies; or 3) the "banking" of the transacted material in a metal account at your request for return or other disposition at a later date?

Response:

N/A. See response to Question 1.

ORIGINAL

11. Did you have a basis for believing that the scrap materials listed in your response to Question 1(a) would be recycled? If not, what was that basis? Provide supporting documentation.

Response:

N/A. See response to Question 1.

12. Describe all efforts (i.e., site visits) taken by you to determine what would be done with the scrap materials identified in your response to Question 1(a) that may have been sold, transferred, or delivered to Peck Iron and Metal Co. at the Site.

Response:

N/A. See response to Question 1.

13. What steps (e.g., internal procedures, Federal, state, and local compliance inquiries) were taken by you to ensure that Peck Iron and Metal Co., the recipient of the scrap materials listed in your response to Question 1(a), was in compliance with applicable Federal environmental regulations or standards, and any amendments, with respect to the scrap materials it received from you?

Response:

N/A. See response to Question 1.

14. Did you have any basis for believing that the Peck Iron and Metal Co. facility at the Site was in compliance with substantive provisions of any Federal, state, or local environmental laws or regulations, or compliance order or decree applicable to the handling, processing, reclaiming, storage, or other management activities associated with the scrap materials listed in your response to Question 1(a)? If so, identify that basis and provide supporting documentation.

Response:

N/A. See response to Question 1.

15. Describe the efforts you undertook with respect to the management and handling of the scrap materials listed in your response to Question 1(a), including the extent to which they complied with customary industry practices current at the time of the transaction designed to minimize contamination of the scrap materials by hazardous substances.

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Response:

N/A. See response to Question 1.

16. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the scrap materials listed in your response to Question 1(a).

Response:

N/A. See response to Question 1.

17. Identify the person(s) answering these questions and requests for copies of documents on behalf of your company.

Response:

The undersigned coordinated the information request within the company. Information was requested from a multitude of departments throughout the company that might have records pertaining to the Site, including environmental, engineering, mechanical, materials management, accounting, treasury, and law, among others, and various employees of each of these departments reviewed their records to provide any responsive information. No records pertaining to the Site were found.

18. For each Request, identify all persons consulted in the preparation of the answer.

Response:

See response to Question 17.

19. For each Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.

Response:

See responses to Question 1 and Question 17.

20. Describe in detail any agreement/contract your company has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements you have had with each such company, if any, including the time period of our involvement with such company.

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Response:

Norfolk Southern has no information or documentation regarding any agreements/contracts with Peck Iron and Metal Company related to the Site. See response to Question 1.

21. Provide all business records pertaining to your company and Peck Iron and Metal Company, or any other company operating at the Site, including:
- Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);
 - Copies of invoices, manifests, bills-of-lading, purchase orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and
 - Copies of all business records pertaining to sale, transfer, delivery, or disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the Site.
 - If you are unable to provide any or all of these documents, explain why, and what you did to find them.

Response:

N/A. See responses to Question 1 and Question 17.

22. If you have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents, or if you have reason to believe that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for copies of documents, identify such person(s), identify the additional documents that they may have, and describe any information related to these questions that they may have.

Response:

Norfolk Southern is not aware of any other person or entity with information responsive to this information request or the Site.

23. Provide details, including dates and materials involved, of all on-site spills or releases of hazardous materials of which you have knowledge and that occurred during the processing of scrap materials containing hazardous substances at the Site.

Response:

N/A. See response to Question 1.

24. To the extent not identified in Question 1, identify all transactions or agreements for disposal in which your company gave, sold, or transferred any material or item, scrap

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materials, waste materials, pollutant, or contaminant, including copper-bearing material and ash, to the Site. In addition:

- a. State the dates on which each such person may have given, sold, transferred or delivered such material.
- b. Describe the materials or items that may have been given, sold, transferred, or delivered, including the type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.
- c. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.
- d. State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.

Response:

Norfolk Southern has no records or information related to any transactions or agreements between Norfolk Southern and the Site. See response to Question 1.

25. What other materials, if any, did you send to the Site (items/materials not covered in Question 24 above)?
 - a. Describe the purpose of each sale, transfer, or delivery of materials to the Site.

Response:

See responses to Question 1 and Question 24.

26. Describe what was done to materials in your response to Questions 24 and 25 above once they were brought to the Site including any further processing of the materials.

Response:

See responses to Question 1 and Question 24.

27. Identify the person(s) who sold, transferred, delivered, and selected the Site at the location at which scrap materials from your company were to be disposed or treated.
 - a. Identify all documents mentioning these arrangements for disposal.
 - b. Describe all efforts (i.e., site visits) taken by the person(s) identified in your response to Question 25 above to determine what would be done with the materials that may have been sold, transferred, or delivered after such materials had been sold, transferred, or delivered to the Site.

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Response:

See responses to Question 1 and Question 24.

28. For each sale, transfer, or delivery of materials to the Site, had any hazardous substances been added to the materials described in your response to Questions 24 and 25 above? If so, identify the hazardous substance added and the person responsible for adding such hazardous substance.
- Why were these hazardous substances added to the materials?
 - Describe the source of or the process that produced the materials described in your response to Questions 24 and 25 above.

Response:

See responses to Question 1 and Question 24.

29. Identify all individuals who currently have, or who previously had, responsibility for your environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e., the dates indicating the length of the individual's tenure[s]), the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would know.

Response:

The current Vice President of Safety and Environment for Norfolk Southern is Charles J. Wehrmeister, with overall management responsibility for environmental matters related to Norfolk Southern. See response to Question 17 for a list of departments within the company from which records were requested for this information response. Norfolk Southern operates approximately 21,000 miles of railroad in 22 eastern states, the District of Columbia and Ontario, Canada. Accordingly, Norfolk Southern is a very large company with many employees over time. Because of Norfolk Southern's size, and due to the lack of any relevant documents or information pertaining to the Site, Norfolk Southern has not identified here the multitude of individuals who currently have or who previously had responsibility for the variety of environmental matters encountered by the company on a day-to-day basis.

I certify that the information responses enclosed herewith were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. To the best of my knowledge and belief, the information responses are

Joan Martin Banks, EPA, Region III
October 30, 2008
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true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Hart", with a stylized flourish at the end.

Helen M. Hart
Norfolk Southern Corporation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

MAY 20 2009

Norfolk Southern Corporation
Charles W. Moorman, CEO
Three Commercial Place
Norfolk, VA 23510-9241

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Moorman:

This letter notifies you that the Norfolk Southern Corporation (hereinafter, "your company" or "Norfolk") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Helen M. Hart, Esq.

Enclosure 1

Notice Letter Recipient List
Peck Iron and Metal Site, Portsmouth, Virginia

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 Helen M. Hart, Esq.
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 dba Dominion Virginia Power
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 Darin K. Waylett, Esq.
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Owner/Operators

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 c/o Brian L. Buniva, Esq.
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 P. O. Box 2499
 Richmond, VA 23218
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Brian.Buniva@leclairryan.com

JSP Land Company, Inc.
 B. David Peck, CEO
 c/o Brian L. Buniva, Esq.
 LeClairRyan
 Federal Reserve Bank Building

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Peck-Portsmouth Recycling Company, Inc.
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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

Elm Leasing Company, Inc.
B. David Peck, CEO
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Party Previously Noticed on April 10, 2009

Chesapeake Corporation
J. P. Causey, Jr., EVP, Secretary & General Counsel
1021 E. Cary Street
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Andrew G. Mauck, Esq.
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Office of Enforcement and Compliance Assurance
INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



U.S. EPA SMALL BUSINESS RESOURCES

Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SDMS DocID 2127015

ORIGIN

AUG 22 2008

INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Norfolk Southern Corporation
Legal Department
Three Commercial Place
Norfolk, VA 23510

Re: Peck Iron and Metal Site
Portsmouth, Virginia

Dear Sir or Madam:

EPA has obtained information which suggests that Norfolk Southern Corporation (hereinafter, "your company") arranged for the disposal of scrap materials which may have contained hazardous substances, pollutants and/or contaminants at the Peck Iron and Metal Site at 3850 Elm Avenue in Portsmouth, Virginia (the "Site").


Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. §9604(e), EPA has the authority to require your company to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of your company's employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. §9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. §9601(33), which were transported to, stored, treated, or disposed of at the Peck Iron and Metal Site.

Section 104(e) of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject your company to criminal penalties under 18 U.S.C. §1001. The information your company provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

INSTRUCTIONS

1. Your company is entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business

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Customer Service Hotline: 1-800-438-2474

confidentiality, please see Enclosure 1, Business Confidentiality Claims/Disclosure to EPA Contractors & Grantees of Your Response. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject your company to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 1, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 1. Those terms shall have the meaning set forth in Enclosure 1 any time such terms are used in this Information Request and/or its Enclosures.

DEFINITIONS

Please use the following definitions in interpreting the questions and requests for documents in this Information Request:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any," as in "any documents" for example, shall mean "any and all."
3. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy,

telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

4. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
5. The term "hazardous substance" shall have the same definition as that contained in Subsection 101 (14) of CERCLA, 42 U.S.C. § 9601 (14), and includes any mixtures of such hazardous substances with any other substances. The hazardous substances are listed at 40 C.F.R. § 302.4.
6. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004 (5) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6903(5), and 40 C.F.R. Part 261.
7. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses and telephone numbers, and present or last known job title, position or business.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation (including state of incorporation), partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
9. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
10. The term "identify" means, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.

11. The terms "includes," or "including" shall not be construed as words of limitation; that is, they shall be construed such that the phrases "without limitation" or "but not limited to" are implied, unless such phrases are already in place. For example, "including x, y, and z" would be construed as "including without limitation x, y, and z" or as "including, but not limited to, x, y and z," but the phrase "including without limitation x, y and z" would be construed as it reads.
12. The terms "the company" or "your company" refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.
13. The term "Peck Iron and Metal Co." shall mean the corporation known as Peck Iron and Metal Co., Inc., as well as Peck Recycling, and any other company controlled by Julius S. Peck, B. David Peck or Aaron Peck and operating at the Site.
14. The term "person" shall mean an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, state, municipality, commission, political subdivision of a state, or any interstate body. See Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
15. The term "pollutant or contaminant," shall have the same definition as that contained in Subsection 101 (33) of CERCLA, 42 U.S.C. § 9601 (33), and includes any mixtures of such pollutants and contaminants with any other substances.
16. The term "property interest" means any interest in property including but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
17. The term "recyclable material" has the same definition as contained in 42 U.S.C. § 9627, and means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include: 1) shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or 2) any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

18. The term "release" has the same definition as that contained in Subsection 101 (22) of CERCLA, 42 U.S.C. § 9601 (22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
19. The term "scrap metal" shall have the same definition contained in 42 U.S.C. § 9627 and shall mean bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the EPA Administrator excludes from this definition by regulation.
20. The terms "Site" shall mean the Peck Iron and Metal Co. facility located at 3850 Elm Avenue in Portsmouth, Virginia. The Site shall include, without limitation, the surface of the property, the subsurface, and the groundwater. The borders of the Site are depicted on the enclosed map (Exhibit 3).
21. Words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside its scope.
22. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, or 40 C.F.R. Part 300, in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUESTS

For the following questions which relate to transactions involving scrap metals, or other scrap materials, provide the requested information, and also provide copies of any documents that contain any information that is related to the response:

1. List all shipments of scrap materials, including scrap metal, which you have sent to the Site. Include the date for each transaction, the type and quantity of scrap metal sent, the amount paid or collected in connection with each transaction, the method of payment, and identity of the person making or receiving payment.
2. For each shipment of scrap material identified in response to Question 1 above, identify:
 - a. the source of the scrap material;
 - b. the prior use of the scrap material;
 - c. whether the scrap material was a collection of homogenous materials;

- d. whether the scrap material was tested for any hazardous substances prior to shipment to Peck Iron and Metal Co.
3. At the time of the transaction(s) involving scrap materials listed in your response to Question 1(a), what was the intended disposition of the scrap materials at the Site?
4. Did a market exist for the scrap metal listed in your response to Question 1, above? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., ISRI, Department of Defense, or wherever you would find the grade published).
5. What commercial specification grade did the scrap metal listed in your response to Question 1(a) meet? Identify/list the commercial specification grades that each scrap metal identified in 1(a) met.
6. After sale, transfer, delivery, or disposal, what portion of the scrap metal listed in your response to Question 1(a) was to be made available for use as a feedstock for the manufacturing of new saleable products? Explain how the portion identified in this answer was derived or calculated.
7. Could the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
8. Could any products to be made from the scrap metal listed in your response to Question 1(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
9. Did you process any of the scrap materials sent to Peck Iron and Metal Co. prior to transport and delivery to the Site? If yes, describe the process used and the purpose for subjecting the scrap material to the process.
10. Was the transaction between you and Peck Iron and Metal Co.: 1) an outright sale; 2) the subject of a written or verbal "tolling" agreement between the companies; or 3) the "banking" of the transacted material in a metal account at your request for return or other disposition at a later date.
11. Did you have a basis for believing that the scrap materials listed in your response to Question 1(a) would be recycled? If not, what was that basis? Provide supporting documentation.
12. Describe all efforts (i.e., site visits) taken by you to determine what would be done with the scrap materials identified in your response to Question 1(a) that may have been sold, transferred, or delivered to Peck Iron and Metal Co. at the Site.

13. What steps (e.g., internal procedures, Federal, state, and local compliance inquiries) were taken by you to ensure that Peck Iron and Metal Co., the recipient of the scrap materials listed in your response to Question 1(a), was in compliance with applicable Federal environmental regulations or standards, and any amendments, with respect to the scrap materials it received from you?
14. Did you have any basis for believing that the Peck Iron and Metal Co. facility at the Site was in compliance with substantive provisions of any Federal, state, or local environmental laws or regulations, or compliance order or decree applicable to the handling, processing, reclaiming, storage, or other management activities associated with the scrap materials listed in your response to Question 1(a)? If so, identify that basis and provide supporting documentation.
15. Describe the efforts you undertook with respect to the management and handling of the scrap materials listed in your response to Question 1(a), including the extent to which they complied with customary industry practices current at the time of the transaction designed to minimize contamination of the scrap materials by hazardous substances.
16. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the scrap materials listed in your response to Question 1(a).
17. Identify the person(s) answering these questions and requests for copies of documents on behalf of your company.
18. For each Request, identify all persons consulted in the preparation of the answer.
19. For each Request, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Request and provide true and accurate copies of all such documents.
20. Describe in detail any agreement/contract your company has had with Peck Iron and Metal Company. In addition, identify any other company operating at the Site and describe in detail any arrangements you have had with each such company, if any, including the time period of your involvement with such company.
21. Provide all business records pertaining to your company and Peck Iron and Metal Company, or any other company operating at the Site, including:
 - a. Copies of correspondence to and from these companies, including letters and memoranda (both internal and external);

- b. Copies of invoices, manifests, bills-of-lading, purchase orders, tickets, and any other documents pertaining to shipping, receiving, and transporting scrap materials; and
 - c. Copies of all business records pertaining to sale, transfer, delivery, or disposal, of any hazardous substances, scrap materials, and/or recyclable materials to the Site.
 - d. If you are unable to provide any or all of these documents, explain why, and what you did to find them.
22. If you have reason to believe that someone could provide a more detailed or complete response to any of these questions or requests for copies of documents, or if you have reason to believe that there could be someone who may be able to provide additional documents that would be responsive to these questions and requests for copies of documents, identify such person(s), identify the additional documents that they may have, and describe any information related to these questions that they may have.
23. Provide details, including dates and materials involved, of all on-site spills or releases of hazardous materials of which you have knowledge and that occurred during the processing of scrap materials containing hazardous substances at the Site.
24. To the extent not identified in Question 1, identify all transactions or agreements for disposal in which your company gave, sold, or transferred any material or item, scrap materials, waste materials, pollutant, or contaminant, including copper- bearing material and ash, to the Site. In addition:
- a. State the dates on which each such person may have given, sold, transferred, or delivered such material.
 - b. Describe the materials or items that may have been given, sold, transferred, or delivered, including the type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.
 - c. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement.
 - d. State whether any of the hazardous substances identified in subpart c. above exhibit any of the characteristics of a hazardous waste identified in 40 C.F.R. Section 261, Subpart C.
25. What other materials, if any, did you send to the Site (items/materials not covered in Question 24 above)?
- a. Describe the purpose of each sale, transfer, or delivery of materials to the Site.

26. Describe what was done to materials indicated in your response to Questions 24 and 25 above once they were brought to the Site including any further processing of the materials.
27. Identify the person(s) who sold, transferred, delivered, and selected the Site as the location at which scrap materials from your company were to be disposed or treated.
 - a. Identify all documents mentioning these arrangements for disposal.
 - b. Describe all efforts (i.e., site visits) taken by the person(s) identified in your response to Question 25 above to determine what would be done with the materials that may have been sold, transferred, or delivered after such materials had been sold, transferred, or delivered to the Site.
28. For each sale, transfer, or delivery of materials to the Site, had any hazardous substances been added to the materials described in your response to Questions 24 and 25 above? If so, identify the hazardous substance added and the person responsible for adding such hazardous substance.
 - a. Why were these hazardous substances added to the materials?
 - b. Describe the source of or the process that produced the materials described in your response to Questions 24 and 25 above.
29. Identify all individuals who currently have, or who previously had, responsibility for your environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of your company's wastes, scrap materials and/or recyclable materials). Hereafter, these individuals are referred to as environmental caretakers. For each environmental caretaker, indicate the dates of the individual's employment or contractual obligation (i.e., the dates indicating the length of the individual's tenure[s]), the nature of the individual's duties and responsibilities, and a description of the type of environmental information that the individual would know.

For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then provide the names, titles, areas of responsibility, current addresses and telephone numbers of the persons from whom such information or documents may be obtained.

If you have any information about other parties who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of scrap materials sent to the Site, the transportation of scrap materials to the Site, or the release of contaminants at the Site, please provide such information. The information you provide in response to this Request should include each party's name, address, type of business and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, your answer to EPA must: (1) describe specifically what was not provided, and (2) provide EPA an appropriate reason why the information was not provided.

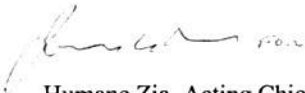
All documents and information should be sent to:

Joan Martin Banks (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning the PRP investigation, please contact Civil Investigator Joan Martin Banks at (215) 814-3156. If you have any legal questions, please contact Senior Assistant Regional Counsel Patricia C. Miller, of EPA's Office of Regional Counsel, at (215) 814-2662.

Sincerely,



Humane Zia, Acting Chief
Cost Recovery Branch

Enclosures:

1. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees
2. List of Contractors That May Review Your Response
3. Site Location Map

cc: Patricia C. Miller, Esq., (3RC42)
Richard Rupert, OSC, (3HS31)
Erica Dameron, VA DEQ

Enclosure 1

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure Of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See Enclosure 3) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, you must notify EPA in writing at the time you submit such documents.

Enclosure 2

[rev. 10/2007]

List of Contractors That May Review Your Response

- Chenega Integrated Systems, LLC
Contract #EP-S3-04-01
Subcontractors:
DPRA
Tri-State Enterprise Corporation
 - Tetra Tech EM, Inc.
Contract #68-S3-0002
Subcontractor:
Eagle Instruments, Inc.
 - Ecology and Environment, Inc.
Contract #68-S3-0001
Subcontractor:
S & S Engineers, Inc.
 - IT Corporation
Contract #68-S3-00-06
Subcontractors:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc.
Contract #68-S3-00-07
Subcontractors:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - EA Engineering, Science and Technology, Inc.
Contract #EP-S3-07-07
Subcontractor:
URS
 - Tetra Tech NUS, Inc.
Contract #EP-S3-07-04
 - Hydrogeologic (HGL)
Contract #EP-S3-07-05
Subcontractor: CH2MHill
 - CDM-Federal Programs Corporation
Contract # EP-S3-07-06
Subcontractors:
L. Robert Kimball & Associates Inc.
Page Technologies Inc.
Avatar Environmental LLC
Terradon Corporation
 - Eisenstein Malanchuck, LLP
Contract #EP-W-06-014
Subcontractors:
James C. Hermann & Associates
R. M. Fields International, LLC
McRae & Company, Inc.
 - Tech Law, Inc.
Contract #EP-S3-04-03
 - WRS Infrastructure & Environment, Inc. –
Contract # 68-S3-03-02
 - Kemron Environmental Services
Contract # 68-S3-03-05
 - Industrial Marine Services, Inc.
Contract # 68-S3-03-03
 - Guardian Environmental Services, Inc.
Contract # 68-S3-03-04
 - Booz-Allen & Hamilton
Contract # GS-10F-0090J (GSA Schedule)
 - Booz-Allen & Hamilton
Contract # GS-35F-0306J (GSA Schedule)
 - Artic Slope Regional Corporation
Contract # EP-W-05-052
Subcontractor: Booz-Allen & Hamilton
- List of Inter-Agency Agreements
- General Services Administration
CERCLIS/FCT/ICIS
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic Elderly
#CQ-822511
 - AARP Foundation (Senior Environmental Employment)

#824021
#823952
 - National Older Work Career Center, Inc.
(NOWCC)- #CQ-830919

Peck Iron and Metal Site
Exhibit 3



